

Court of Appeals, State of Michigan

ORDER

Matt Crosby v Tana Jonassen

Docket No. 299769

LC No. 09-007540-CH

William B. Murphy
Chief Judge

David H. Sawyer

Jane M. Beckering
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court REMANDS with direction that the circuit court permit the parties to submit arguments regarding whether sanctions less than defaulting the Jonassen defendants and dismissing the countercomplaint are appropriate. The circuit court shall then evaluate on the record the various discretionary discovery sanctions available to it, and articulate the reasons for the sanction it deems appropriate. *Traxler v Ford Motor Co*, 227 Mich App 276, 286; 576 NW2d 398 (1998); *Thorne v Bell*, 206 Mich App 625, 632-633; 522 NW2d 711 (1994). We do not retain jurisdiction.

Sawyer, J., would deny the application for leave to appeal.



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

APR 28 2011

Date


Chief Clerk